

Staff Report City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF DECEMBER 7, 2005

TO: PLANNING COMMISSION

FROM: DEBORAH WOLDRUFF, AICP, DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT (CUP) NO. 05-05 & VARIANCE NO. 05-09
— A request to construct three, approximately 1,500 square foot single family homes on three separate lots (one on Court Street, two on Lind Avenue). A variance request is needed for a reduction of the required sideyard setbacks for all three lots and a reduction of the lot width for the two lots on Lind Avenue.

SUMMARY

The Loma Linda Redevelopment Agency (RDA) is the applicant for the three manufactured homes that are proposed as affordable housing units. As per Loma Linda Municipal Code Section 17.38, a Conditional Use Permit is needed for single family residences in R3, Multiple Family Residence Zone.

RECOMMENDATION

The recommendation is that the Planning Commission approve Conditional Use Permit (CUP) No. 05-05 and Variance (VAR) No. 05-09 based on the Findings, and subject to attached Conditions of Approval (Attachment A).

PERTINENT DATA

Applicant:	Loma Linda Redevelopment Agency (RDA)
General Plan:	Medium Density Residential (5-10 du/ac)
Zoning:	Multiple Family Residence (R-3)
Site:	Court Street- 6,250 square foot vacant lot Lind Avenue- 5,280 square foot vacant lots (2)
Topography:	Mostly flat
Vegetation:	Site contains annual grasses and mature trees
Special Features:	None

The two Lind Avenue lots are the result of one lot at 50 feet in width and the other at 38 feet. The Lot Line Adjustment takes 6 feet from the 50 foot wide lot that will result in two lots, 44 feet in width by 120 feet in depth. The side yard setbacks proposed are approximately four feet and four feet, six inches in width.

Single family homes in an R-3 zone are subject to all provisions of the R-1, Single Family Residence Zone. The three homes are designed with all the characteristics of a typical wood frame designed single family home with vinyl siding, pitched roof, asphalt roof shingles and attractive front door entry. No negative impacts to the North Central Neighborhood are anticipated.

Landscape plans will reflect the minimum five gallon shrub size and 24-inch box size tree. Currently, the Court Street parcel is denoted with two mature Mulberry trees to the rear of the lot and two mature Junipers behind the sidewalk. The Mulberry Trees will be incorporated into the landscape design, the Juniper Trees will not due to the need for sufficient room to place the house on the lot. The two parcels on Lind Avenue contain mature shrubs along the southern property line, a mature palm tree, an over grown pine tree and another tree which appears to be in the City right-of-way. The pine and palm trees will be removed.

Fencing plans for the three lots indicate wood fences with a maximum height of six feet. The agency has not made a final determination on the type of wood material that will be used.

All three homes are affordable units for income qualified buyers and help to reduce the City's housing deficit of affordable units required by State Redevelopment Law. Since this is an affordable housing project with the City Redevelopment Agency as applicant, a Development Agreement is not needed.

Conditional Use Permit Findings

The following findings must be addressed while considering a conditional use permit. Per Code Section 17.30.210, "The Planning Commission, in approving a conditional use permit, shall find as follows:"

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title.*

The proposed single family use is less intensive but similar to the other existing single and multi-family uses in the immediate neighborhood. The proposed use is compatible with the neighborhood and desirable to the public convenience or welfare, and consistent with the General Plan.

2. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the general plan, and is not*

- Front porch

All three homes shall be designed to incorporate a front porch element with a minimum depth of eight feet for functionality and to provide a welcoming entrance and gathering point at the front of the house. If the Planning Commission finds this acceptable, Condition No.1.7 has been added to require the modification.

Variance Findings

1. *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved.*

The Court Street parcel is a 50-foot wide lot created as part of a Tract Map approved prior to incorporation of the City and adoption of its Zoning Code. The manufactured house has been designed with a 9.58-foot setback to the west property line and a five foot setback to the east property line. The two 44-foot wide lots on Lind Avenue resulting from the Lot Line Adjustment are designed with a four foot and four foot, six inch side yard setbacks. All three lots comply with the 25-foot front yard and 15-foot rear yard setback requirements.

The requirement for a fifteen and five foot side yard setback would limit the applicant to a building pad of thirty feet in width for Court Street and twenty four feet in width for the two Lind Avenue lots. Therefore, the lots are substandard, nonconforming, and present an exceptional and extraordinary circumstance of conditions applicable to the three properties for the construction of new single family houses.

2. *That such variance is necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the same vicinity and zone and denied to the property in question.*

The project is surrounded by an existing community of older single and multi-family housing. Based on a review of the Assessor's Parcel page of the neighborhood, the majority of the lots do not the meet the minimum lot width or the required sideyard setbacks. Therefore, this variance request is necessary for preservation and enjoyment of the substantial property rights possessed by other properties in the same vicinity and zone.

3. *The granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements to such vicinity and zone in which the property is located.*

The request for a reduction in the sideyard setbacks will not be detrimental to the neighborhood. The proposed single family homes will be developed in a similar manner to other properties in the vicinity. The proposed sideyard setback allows

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RECOMMENDATION

The recommendation is that the Planning Commission approve Conditional Use Permit (CUP) No. 05-05 and Variance (VAR) No. 05-09 based on the Findings, and subject to attached Conditions of Approval (Attachment A).

PERTINENT DATA

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BACKGROUND AND EXISTING SETTING

Background

The Loma Linda Redevelopment Agency acquired these three lots in 2001 specifically for affordable housing since they are in the target area of the City Redevelopment Project Area. This is an affordable housing infill project.

Existing Setting

The three subject parcels are located in the North Central Neighborhood east of Anderson Street, south of Redlands Boulevard and north of the San Timoteo Creek Channel (Attachment B). The neighborhood is a mix of single- and multi-family residences built prior to City incorporation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

The project is exempt from CEQA pursuant to the CEQA Guidelines Section 15303(a), which provides a Class 3 Categorical Exemption from CEQA for the construction of up to four single-family residences in an urbanized area.

ANALYSIS

Project Description

The proposed project is to place three single-family manufactured homes on three separate lots to provide affordable housing opportunities in the North Central Neighborhood pursuant to the City's affordable housing requirements (Attachment C). At approximately 1,500 square feet in size, each home will have three bedrooms, two bathrooms and a two car garage. The modular homes are all 35.5 feet in width.

The three lots all predate City incorporation and thus legal lots of record. A variance is not required for lot size on the three subject parcels. However, variance relief is needed for side yard setback requirements on all three lots and the two Lind Avenue lots for minimum lot width of 65 feet per Loma Linda Municipal Code (LLMC) Section 17.34.080. A Lot Line Adjustment is currently being processed by the Public Works Department for the two properties on Lind Avenue, which will result in two 44-foot wide lots.

The lot on Court Street is 50 feet in width and 125 feet in depth. With a 35.5-foot wide modular structure, the project cannot meet the 15 foot sideyard setback and can only provide a 9.5 foot sideyard setback on the west property line and five feet on the east property line.

The two Lind Avenue lots are the result of one lot at 50 feet in width and the other at 38 feet. The Lot Line Adjustment takes 6 feet from the 50 foot wide lot that will result in two lots, 44 feet in width by 120 feet in depth. The side yard setbacks proposed are approximately four feet and four feet, six inches in width.

Single family homes in an R-3 zone are subject to all provisions of the R-1, Single Family Residence Zone. The three homes are designed with all the characteristics of a typical wood frame designed single family home with vinyl siding, pitched roof, asphalt roof shingles and attractive front door entry. No negative impacts to the North Central Neighborhood are anticipated.

Landscape plans will reflect the minimum five gallon shrub size and 24-inch box size tree. Currently, the Court Street parcel is denoted with two mature Mulberry trees to the rear of the lot and two mature Junipers behind the sidewalk. The Mulberry Trees will be incorporated into the landscape design, the Juniper Trees will not due to the need for sufficient room to place the house on the lot. The two parcels on Lind Avenue contain mature shrubs along the southern property line, a mature palm tree, an over grown pine tree and another tree which appears to be in the City right-of-way. The pine and palm trees will be removed.

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All three homes are affordable units for income qualified buyers and help to reduce the City's housing deficit of affordable units required by State Redevelopment Law. Since this is an affordable housing project with the City Redevelopment Agency as applicant, a Development Agreement is not needed.

Conditional Use Permit Findings

The following findings must be addressed while considering a conditional use permit. Per Code Section 17.30.210, "The Planning Commission, in approving a conditional use permit, shall find as follows:"

1. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title.*

The proposed single family use is less intensive but similar to the other existing single and multi-family uses in the immediate neighborhood. The proposed use is compatible with the neighborhood and desirable to the public convenience or welfare, and consistent with the General Plan.

2. *That the said use is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the general plan, and is not*

detrimental to existing uses specifically permitted in the zone in which the proposed use is to be located.

The single family use is consistent with the General Plan and a policy of the City to provide a variety of housing options to the City and its residents. Having affordable housing in Loma Linda will benefit City residents of limited means to enter into the first time housing market. Although, the surrounding neighborhood is for multi-family uses, the area contains a variety of single-family houses and multi-family residences.

3. *That the site for the intended use is adequate in size and shape to accommodate said use and all of the yards, setbacks, walls, or fences, landscaping and other features required in order to adjust said use to those existing or permitted future uses on land in the neighborhood.*

The Court Street and Lind Avenue parcels are similar in size and shape to existing lots in the neighborhood. However, the setbacks for the proposed units are less than the minimum required by the Zoning Code. Therefore, a variance is required for sideyard setbacks on all three lots and minimum lot width for the two Lind Avenue lots. The lot coverage of the new homes is approximately 30 percent of the project sites on Lind Avenue and 24 percent of the project site on Court Street. Therefore, the project site can accommodate the proposed new manufactured homes and will be compatible with the existing residential land uses in the immediate neighborhood.

4. *That the site or the proposed use related to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.*

The proposed project locations have direct driveway access from both Court Street and Lind Avenue, respectively. Both streets are designed to carry the trips generated by three additional single-family residences. Therefore, the proposed use would not conflict with other uses immediately adjacent to the project site.

5. *That the conditions set forth in the permit and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare.*

The public health, safety and general welfare will be protected through implementation of the Conditions of Approval which will insure that the residences are compatible with the neighborhood. Additionally, the residences will meet the minimum development standards required by the Building Code.

Recommended Modifications:

The following items are staff suggestions for enhancing the proposed design. Through conditions of approval (Attachment A), these modifications can be implemented as part of the plan check review and construction process.

- Front porch

All three homes shall be designed to incorporate a front porch element with a minimum depth of eight feet for functionality and to provide a welcoming entrance and gathering point at the front of the house. If the Planning Commission finds this acceptable, Condition No.1.7 has been added to require the modification.

Variance Findings

1. *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved.*

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2. *That such variance is necessary for the preservation and enjoyment of the substantial property rights possessed by other properties in the same vicinity and zone and denied to the property in question.*

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3. *The granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements to such vicinity and zone in which the property is located.*

The request for a reduction in the sideyard setbacks will not be detrimental to the neighborhood. The proposed single family homes will be developed in a similar manner to other properties in the vicinity. The proposed sideyard setback allows

adequate separation between the structures that won't disrupt the continuity of the existing residential neighborhood. No adverse impacts are anticipated.

4. *The granting of such variances will be consistent with the general plan for the City.*

The granting of this variance will be consistent with the General Plan for the area designated as a residential neighborhood.

5. *That a public hearing was held wherein the applicant is heard and in which he substantiates all of the conditions cited in this subsection.*

The public hearing before the Planning Commission will meet the requirements stipulated for the Variance review and approval process. Residents of the neighborhood were mailed the public hearing notice for the project review scheduled for the Planning Commission meeting of December 7, 2005.

CONCLUSION

Based on staff's analysis, the conditional use permit and variance findings can be made for this project. From a design and aesthetic standpoint, the new homes are appropriate and compatible with the surrounding residential uses and structures. Therefore, it is recommended that the Planning Commission approve the proposed project based on findings and subject to the conditions of approval.

Respectfully submitted,



Raul Colunga
Assistant Planner

ATTACHMENTS

Conditions of Approval

- A. Conditions of Approval
- B. Photos of subject properties
- C. Project Plans

Attachment A

Conditions of Approval

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 05-05
AND
VARIANCE NO. 05-09

All applicable provisions and requirements of City Codes and Ordinances shall be met for this project. All conditions unless otherwise specifies are due prior to the issuance of building permits. The following specific requirements shall also apply:

1. COMMUNITY DEVELOPMENT DEPARTMENT

- 1.1 Within one year of this approval, building plans shall be approved and a building permit shall be exercised or the permit/approval shall become null and void.

PROJECT:

EXPIRATION DATE:

CONDITIONAL USE PERMIT (CUP) NO. 05-05
VARIANCE (VAR) NO. 05-09

DECEMBER 7, 2006
DECEMBER 7, 2006

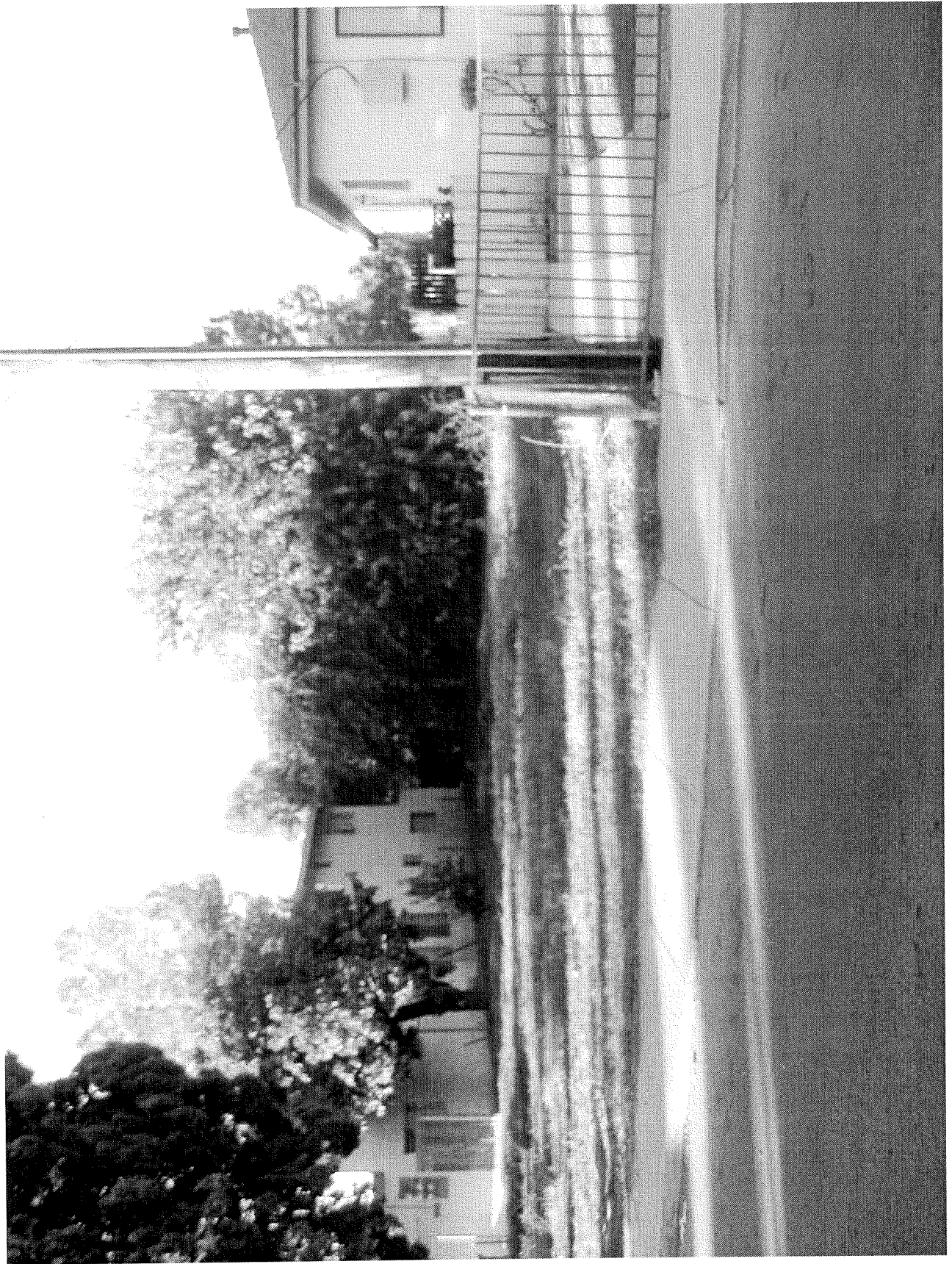
- 1.2 Within one (1) year of this approval, substantial construction of the project shall have commenced or the permit/approval shall become null and void. In addition, if construction of the project is discontinued for a period of six (6) months, then the permit/approval shall become null and void.
- 1.3 The applicant shall landscape any part of the developed lot that is visible from the street as landscaping is defined in Section 17.02.215 of the Loma Linda Municipal Code (LLMC) and maintain the landscape pursuant to Section 17.34.045 of the LLMC. A minimum five gallon shrub size is required as is two twenty-four inch box size trees for the front yard on each of the three houses.
- 1.4 Approval of CUP No. 05-05 and VAR No. 05-09 is contingent upon the applicant signing and returning an "Agreement to Conditions Imposed" form as established by the Community Development Department.
- 1.5 Construction shall be in substantial conformance with the project plans approved by the City otherwise, the permit/approval shall be null and void and a new application, submittals, and fees shall be required.
- 1.6 The applicant shall provide infrastructure for the Loma Linda Connected Community Program, which includes providing a technologically enabled development that includes coaxial, cable, and fiber optic lines to all outlets in each unit of the development (including custom single-family residences). Plans for the location of the infrastructure shall be provided with the precise grading plans and reviewed and approved by the City of Loma Linda prior to issuing grading permits.

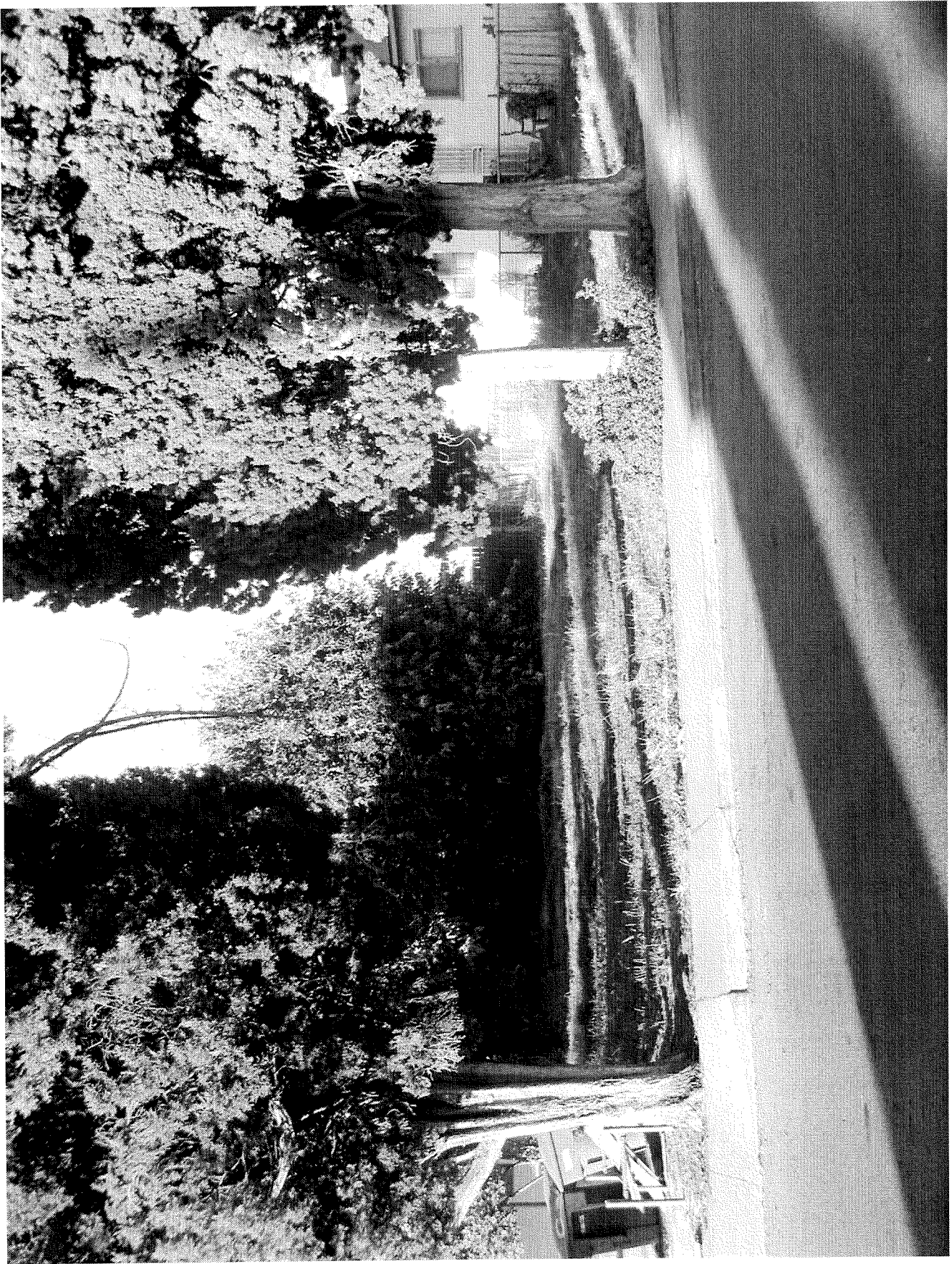
- 5.1 Within forty-eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, check or money order made payable to the **COUNTY OF SAN BERNARDINO** in the amount of \$25.00 (*twenty-five dollars*) to enable the City to file the appropriate environmental documentation for the project. If within such forty-eight (48) hour period that applicant has not delivered to the Community Development Department the above-noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.
- 5.2 Submit proof of payment from the City of San Bernardino for sewer capacity fees and Redlands Unified School District to the Community Development Department prior to the issuance of any building permits.

End of Conditions

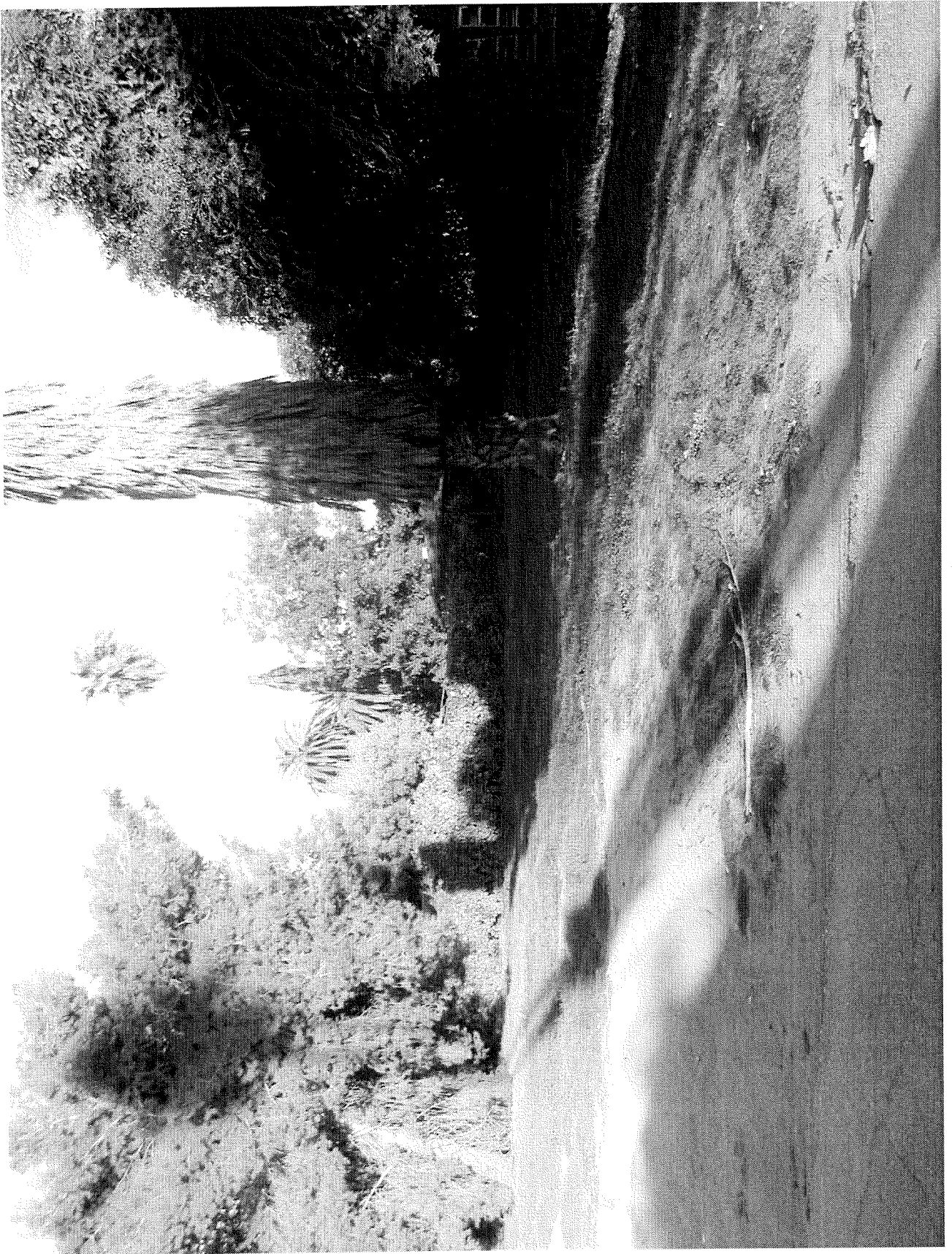
Attachment B

Photos of the three parcels





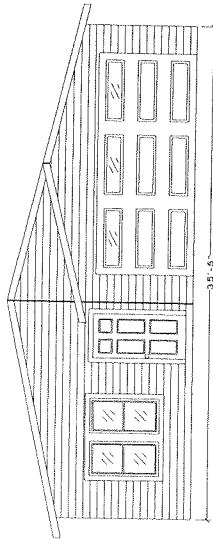




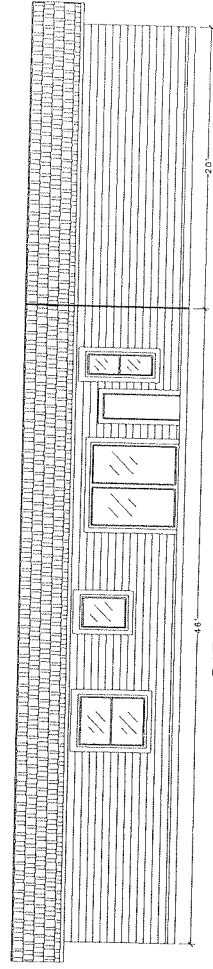


Attachment C

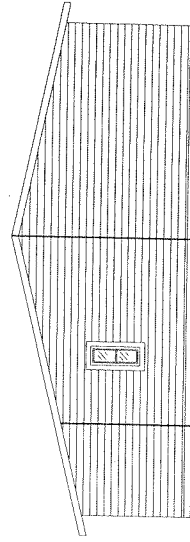
Project Plans



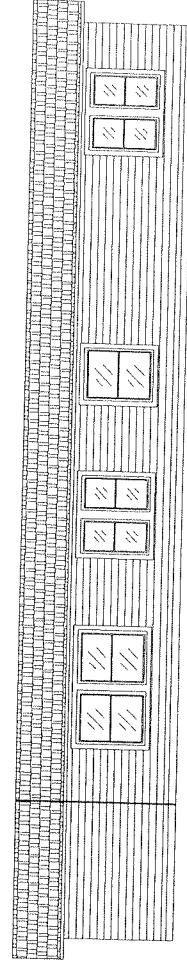
FRONT ELEVATION



SIDE ELEVATION (NORTH)

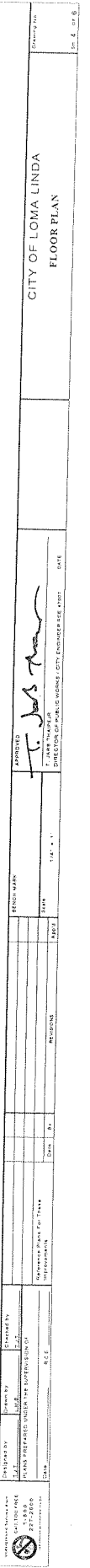


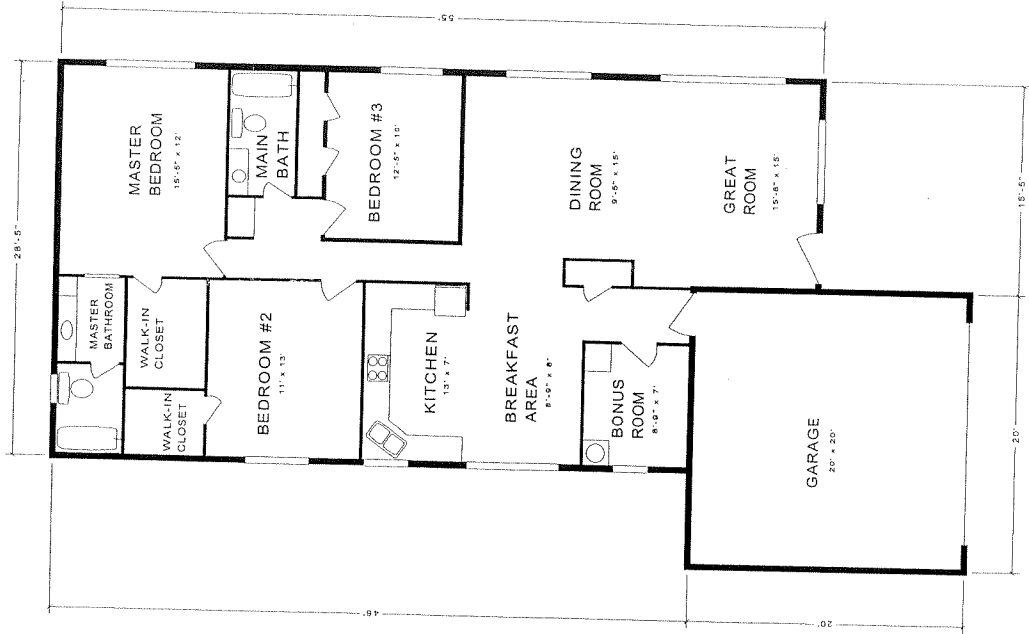
BACK ELEVATION



SIDE ELEVATION (SOUTH)

		CITY OF LOMA LINDA ELEVATION PLAN		DRAWING NO. SHEET 3 OF 6
DESIGNED BY J.E.T.	CHECKED BY J.E.T.	REVISIONS NO. 1 DATE 11/11/11	APPROVED T. John Thomas DIRECTOR OF PUBLIC WORKS / CITY ENGINEER #4727	DATE 11/11/11





CITY OF LOMA LINDA FLOOR PLAN		DATE: 01/14/11 BY: J. J. J.
APPROVED: <i>[Signature]</i> J. J. J. DIRECTOR OF PUBLIC WORKS, CITY ENGINEER, RISE 4107		DATE: 01/14/11 BY: J. J. J.
DESIGNED BY: J. J. J. CHECKED BY: J. J. J. DATE: 01/14/11 BY: J. J. J.	DRAWN BY: J. J. J. CHECKED BY: J. J. J. DATE: 01/14/11 BY: J. J. J.	SCALE: 1/4" = 1'-0" SHEET: 1 OF 1